



***Town of Tyngsborough
Planning Board***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 115

Tyngsborough Planning Board Meeting minutes May 5, 2005

Attachments1-Meeting Agenda. **APPROVED**

Members Present: Mark H. Pease, Chairman
Darryl Wickens, Vice Chairman
Steven A. Nocco, Secretary
John Forti
Caryn DeCarteret
Joyce M. Harrington, Clerk

Present at the request of the Board – John Boardman, P.E., Consulting Engineer

7:00PM – Meeting called to order by Chairman Mark Pease

7:05PM – Hearing T.I.L.O. 110 Mascuppic Trail - Judith Finan, Darlene Matheson and W.Scot Matheson

M.Pease read the Legal Ad that appeared in the Lowell Sun on April 5, 2005 and April 12, 2005.

Motion S.Nocco to waive the reading of the abutter's list
Second D.Wickens
Motion Carries

Ms. Finan is seeking a Special Permit for Temporary Independent Living Quarters for an existing basement apartment. The property is a duplex, zoned R-2 and consists of two townhouse style apartments, side by side, with access to a basement apartment from the 110 Mascuppic Trail side of the residence. There will be no changes to the existing structure. Currently there is a tenant in the 112 Mascuppic Trail side apartment. The tenant will be moving sometime in the future, at which point W.Scot intends to occupy that side. Ms. Finan plans to reside in the basement apartment.

The plans meets all the requirements of the life safety codes for means of egress, The Fire Chief recommend that the existing fire alarm system to be upgraded to comply with the current regulations and standards pursuant to M.G.L.Ch. 148, 527 CMR, and 780 CMR. If there is any change in the design or layout the applicant must notify the Fire Dept.

The Board has requested a professionally prepared plan to confirm with the actual square footage of the residence, because the square footage on the plan prepared and submitted by the applicant does not match the data on Assessor's Card.

Motion: S.Nocco to continue the Public Portion of the T.I.L.Q. for 110 Masscuppic Trail to May 19, 2005 at 7:35PM

Second: D.Wickens

Motion Carries

7:35PM Zoning Change Residential (R-1) to Business Commercial (B-3) from the New Hampshire State Line to Lakeview Avenue

The Citizens Petition is requesting a Zoning Change (From Residential (R-1) to Business 3 Commercial (B-3). To see if the Town will vote, to amend the Zoning By-Law of the Town of Tyngsborough, MA. From the New Hampshire State Line to Lakeview Avenue to parcel number 93 on the Road known as Route 3A as shown in the Town of Tyngsborough Assessors Map. Map(s) numbered 18, 19, and 25 as parcels 93, 91, 69, 68, 67A, 64B, 64B, 64A, 63, 56, 55, 71, 70, 53, 52, 51, 48, 47, 46A, 45, 36, 35, 25, 24, 16, 8, 6, 5, 4A, 3A, 3, 2, 1, and 90 to extend to a maximum of 600 feet from Frost Road frontage to rear, and to be subject to all laws, regulations and considerations governing a B-3 Zoning.

Mr. Belanger of 166 Frost Road gave a brief overview as to the reason he applied for a zoning change. He owns a large parcel of land in this area. He felt that once the new permanent bridge was in place and because there has been word of Hudson, NH growing their business base along Route 3A, that there would be increased traffic along Frost Road. Mr. Belanger felt that the increased traffic could provide the Town of Tyngsborough and it's resident's additional income and tax revenue from passer-bys, if there were restaurants and retail shops and stores along the route.

Many concern citizens were present and spoke at the Hearing. They were:

James Wagner - 127 Frost Road
Mark Marchand - 4 Lakeview Ave
Pasquale Schena - 6 Madeline Tr
Carol Sides - 160 Frost Road
Robert Athas - 3 Waterway Pl
William Lekas - 25 Lakeview Ave
James Johnson - 162 Frost Road
Joanne Spencer - 4 Benoit Lane
Timothy Dunn - 169 Frost Road

The residents who spoke were not in favor of the Zoning change.

Many of the residents who signed the petition felt they were misled as to why they were signing.

All of the residents who spoke and many in the audience voiced their desire to keep Frost Road and the surrounding area as a residential community.

The residents also felt that the intent of the change was not justified.

Motion: S. Nocco to close the public portion of the Hearing

Second: D. Wickens

Motion Carries

Motion: S. Nocco That the Planning Board **NOT** recommended the zoning change [From Residential (R-1) to Business Commercial 3 (B-3)] from New Hampshire State line to Lakeview Ave, Tyngsborough MA. Map(s) # 18, 19, and 25 shown as parcels 93, 91, 69, 68, 67A, 64B, 64A, 63, 56, 55, 71, 70, 53, 52, 51, 48, 47, 46A, 45, 36, 35, 25, 24, 16, 8, 6, 5, 4A, 3A, 3, 2, 1, and 90 to extend to a maximum of 600ft from Frost Road frontage to the rear.

Second: D. Wickens

Motion Carries

DeCarteret Family

Comment: The motion was made in the affirmative and everyone voted against

8:15PM Zoning Change Known as “Manhattan Homes” from Residential (R-1) to Business 1 (B-1)

M. Pease read the Legal Ad that appeared in the Lowell Sun on April 5, 2005 and April 12, 2005.

Motion: S. Nocco to waive the reading of the abutter's list

Second: D. Wickens

Motion Carries

Mr. Belanger requested to withdraw his application for this hearing. Chairman M. Pease opened the Hearing due to the fact that a Citizen's Petitions for Town Meeting cannot be withdrawn.

The same concerned citizens were present. Mr. Belanger left the Meeting Room as he felt it not necessary to be there because he had changed his mind. The Board made the following motion.

Motion: S. Nocco to close the public portion of the hearing

Second: D. Wickens

Motion Carries

Motion: S. Nocco That the Planning Board **NOT** recommended the zoning change for “Manhattan Homes” Zoning Change from Residential (R-1) to Business 1 Neighborhood (B-1). The following area(s) known to include said property or properties on following streets, Terraces, or Lanes, Madeleine Terrace, Caudet Lane, Silk Lane, and Benoit Lane. Map # 18, as parcels 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 33, 34, 37, 38, 40, 41, 42, 43, and 44.

Second: D. Wickens

Motion Carries

DeCarteret Family

Comment: The motion was made in the affirmative and everyone voted against

8:45PM Westford Road Plaza – Frank Shen, continued

Present: Mr. Vanasse from Vanasse and Associates, Transportation Engineers and Planners. Architect, names of engineer from LandTech, atty...

The Board reviewed the latest letter from John Boardman, of David E. Ross & Assoc., consulting engineer, with relation to the most recent plans (revised 4/6/05) and traffic report submitted for the above referenced project and had the following comments:

1. The applicant should clearly delineate the size and location of the required loading area in accordance with 3.10.30.
Reply form Land Tech: The loading area behind the building is depicted by the cross-hatched area adjacent to the rear of the building. The final paving course in this area will be stripped and signs will be posted identifying the area as a loading area.
2. The traffic report shows the that the proposed exiting left hand turn will have an F rating and produce queues of up to seven vehicles in length. This length will back up roughly to the proposed restaurant and block access to the right turn lane, interfere with access to parking spaces, and make internal circulation difficult. The queues will then be made worse by vehicles unable to access the right hand turn lane. The Board may wish to investigate this issue further prior to any action on the application.
Response from Mr. Vanasse, The Left-turns exiting the proposed site driveway are expected to operate under constrained conditions (level-of-service F) during both the weekday evening and Saturday midday peak periods, with residual 95th percentile vehicle queues of 7 vehicles during the weekday evening peak hour and 5 vehicles during the Saturday midday peak hour. The 95th percentile vehicle queue length is the projected vehicle queue length that will be exceeded only 5 percent of the time. Additional comments see attach memo.
3. The traffic report recommends widening of Westford Road to provide a left-turn by-pass lane. The applicant should provide design details of this widening and a list of permits that will be required for work within the Right of Way.
Response from Mr. Vanasse: The proposed widening of Westford Road along the east side in order to provide a left turn by-pass area will occur within the existing public right-of-way owned and maintained by the Town of Tyngsborough. As such, all necessary permits to complete the improvements will be issued by the Town of Tyngsborough Department of Public Works. Detailed design plans for the improvements will be submitted to the Town and Ross Associates for review and comment in conjunction with the issuance of a building permit for the project.
4. The B3 Zoning District requires a 15' buffer area along side lot lines. (Zoning 3.13.31 page 76). The applicant only provides a 10' buffer abutting Wynbrook

and the senior center. In addition part of the proposed parking area is within this 15' buffer, which is not allowed under zoning 3.10.41 (page 49).

Reply from Land Tech: Section 3.13.31 on page 76 pertains to zoning districts B-1 and B2. The subject parcel is in a B3 zoning district, which is discussed in Section 3.13.32 Section 3.13.32-5. States No landscaping strips are to be required on any side of a building where public or employee parking is not permitted and where there is no public access to or from the building. Therefore, it is our Land-Tech) opinion that the site conforms to Section 3.13.32 of the Zoning Bylaw.

DeCarteret Family

Comment: Where did this come from? This doesn't really seem to answer the question

5. The location of the first landscape island as you enter the site does not match on the site plans and the landscaping plans. In addition the location on the site plans blocks the travel lane of vehicles entering the site and is unacceptable.

Response from Land Tech: the plans have been revised to address this comment.

6. The applicant is proposing a "grass crete area" behind the rear building. This area is within the required 25' buffer and is also necessary as part of the travel lane to provide sufficient room for emergency vehicles to access the rear of the building. It would appear this is an integral part of the parking area and therefore not allowed in the 25' Buffer under zoning 3.10.41 (page 49).

Response from Land Tech, the "grass crete area" behind the rear building is not an integral part of the parking area. It is only necessary to provide additional maneuvering area for larger emergency vehicles. It is not a component that that would be used under normal operation conditions of the site.

In addition the Board must find the proposal in compliance with the Decision Criteria for a Major Business Complex as listed in 4.10.30 (Zoning page 83).

The Board also raised and discussed additional concerns regarding the Zoning Bylaws, including landscape strip requirements for each main and accessory building. The applicant had made modifications to the plan for only the front (facing Westford Road) side of the main building, but not the additional sides or the accessory building. The applicant will modify the plan to meet the zoning bylaw regarding Landscape Strips.

Motion: C. DeCarteret to continue the Public Portion Hearing for Westford Road Plaza to May 19, 2005 at 8:05PM

Second: J.Forti

Motion Carries

Administrative 1 **Notice of Decision Special Permit – 1 Farwell Road**
Wayne Le

The Board signed the Notice of Decision for 1 Farwell Road.

Administrative 2 **Form G – Certificate of Approval of Definitive Subdivision Plan**
Missick Realty Trust – James Patierno & Richard Blechman
Trustees.

The Board signed the Form G – Certificate of Approval of Definitive Subdivision Plan for Missick Realty Trust.

Administrative 3 Marie B – 117 Beech St – Resident did not attend the meeting.

Administrative 4 **Form G** – Certificate of Approval of Definitive Subdivision Plan –
Mr. Bryan and Betty Lewis - 11 Bancroft St and Worden Road

The Board signed the Form G – Certificate of Approval of Definitive Subdivision Plan for 11 Bancroft St and 11 Worden Road.

Administrative 5 Approval of Minutes

No Minutes were presented for review.

Administrative 6 Signing of Bills

The following bills were signed: David E. Ross and Associates and the Lowell Sun.

Administrative 7 New Business – No new Business

Motion: D.Wickens to adjourn at 10:00PM

Second: J.Forti

Motion Carries

Minutes taken

And respectfully submitted by

Joyce M. Harrington Planning Board Clerk